

An operative part of the decision of the full Bench of Pr. CAT New Delhi on OA/665/2010 regarding fixation of the Pension of Pre-2006 Pensioners in the light of the VI CPC is reproduced below:

In a unanimous judgement delivered by full bench of Pr CAT New Delhi on 1st November, 2011, on OA 655/2010 filed by over 500 Central Government SAG (S 29) Pensioners retiring before 1.1.2006, modified parity as recommended by 6th CPC and accepted by Govt. has been restored. The operative part of judgement is given below:
Extract of judgement of Principal Bench of CAT New Delhi

- In OA 655-2010 & others (Dated November 1, 2011).
29. ----- Once the Central Government has accepted the principle of modified parity, the benefit cannot be denied on the ground of financial constraints and cannot be said to be a valid reason.

30. In view of what has been stated above, we are of the view that the clarificatory OM dated 3.10.2008 and further OM dated 14.10.2008 (which is also based upon clarificatory OM dated 3.10.2008) and OM dated 11.02.2009, whereby representation was rejected by common order, are required to be quashed and set aside, which we accordingly do. Respondents are directed to re-fix the pension of all pre-2006 retirees w.e.f. 1.1.2006, based on the resolution dated 29.08.2008 and in the light of our observations made above. Let the respondents re-fix the pension and pay the arrears thereof within a period of 3 months from the date of receipt of a copy of this order. OAs are allowed in the aforesaid terms, with no order as to interest and costs.

(Dr. Veena Chhotray)
Member (A)

(M.L. Chauhan)
Member (J)

(V.K. Bali)
Chairman

TABLE SHOWING PENSION OF PRE-2006 PENSIONERS (As per accepted Recommendations of 6 th CPC and as misinterpreted vide DOP OM Dated 3-10-2008)									
Existing Pay Scales and Revised Pay Structure as per Sixth CPC			Pay structure & Pension - As per accepted Recommendations in para 5.1.47 of 6th CPC				Consolidated pension with 40% Fitment Benefit (Para 4.1 - DOP OM of 1-9-08)	Pension (fixed as per DOP OM Dt. 3/10/08 misinterpreting accepted recommendations of Sixth CPC)	Difference / Loss in Basic Pension (Col.7 minus Col.8 or 9 whichever is higher)
Existing Pay Scales as per 5th CPC	Revised Pay Band	Revised Pay Structure (Pay Band + Garde Pay))	Pay in the Pay Band (corresponding to min. of Pre-Revised pay scale)	Grade Pay	Revised Basic Pay (corresponding to min. of Pre-Revised pay scale)	Pension of Pre-2006 Pensioners (50% of corresponding min. of Pre-Revised pay scale)- col. 6)			
1	2	3	4	5	6	7	8	9	10
S-4(2750-4400)	PB-1	5200-20200+1800	5530	1800	7330	3665	3500	3500	165
S-5(3050-4590)	PB-1	5200-20200+1900	5880	1900	7780	3890	3500	3560	340
S-6(3200-4800)	PB-1	5200-20200+2000	6060	2000	8060	4030	3618	3600	414
S-7(4000-6000)	PB-1	5200-20200+2400	7440	2400	9840	4920	4520	3800	400
S-8(4500-7000)	PB-1	5200-20200+2800	8370	2800	11170	5585	5085	4000	500
S-9 (5000-8000)	PB-2	9300-34800+4200	9300	4200	13500	6750	5650	6750	0
S-10 (5500-9000)	PB-2	9300-34800+4200	10230	4200	14430	7215	6215	6750	465
S-11(6500-6900)	PB-2	9300-34800+4200	12090	4200	16290	8145	7345	6750	800
S-12(6500-10500)	PB-2	9300-34800+4200	12090	4200	16290	8145	7345	6750	800
S-13 (7450-11500)	PB-2	9300-34800+4600	13860	4600	18460	9230	8419	6950	811
S-14 (7500-12000)	PB-2	9300-34800+4800	13950	4800	18750	9375	8475	7050	900
S-15 (8000-13500)	PB-2	9300-34800+5400	14880	5400	20280	10140	9040	7350	1100
New scale- (Group A entry) (8000-13500)	PB-3	15600-39100+5400	15600	5400	21000	10500	9040	10500	0
S-16(9000)	PB-3	15600-39100+5400	16740	5400	22140	11070	10170	10500	570
S-17(9000-9550)	PB-3	15600-39100+5400	16740	5400	22140	11070	10170	10500	570
S-18(10325-10975)	PB-3	15600-39100+6600	19210	6600	25810	12905	11666	11100	1239
S-19 (10000-15200)SS	PB-3	15600-39100+6600	18600	6600	25200	12600	11300	11100	1300
S-20 10650-15850)	PB-3	15600-39100+6600	19810	6600	26410	13205	12035	11100	1170
S-21(12000-16500) (JAG)	PB-3	15600-39100+7600	22320	7600	29920	14960	13560	11800	1400
S-22 (12750-16500)	PB-3	15600-39100+7600	23720	7600	31320	15660	14408	11600	1252
S-23(12000-18000)	PB-3	15600-39100+7600	22320	7600	29920	14960	13560	11600	1400
S-24 (14300-18300)	PB-4	37400-67000+8700	37400	8700	46100	23050	16159	23050	0
S-25 (15100-18300)	PB-4	37400-67000+8700	39690	8700	48390	24195	17063	23050	1145
S-26 (16400-20000)	PB-4	37400-67000+8900	39690	8900	48590	24295	18532	23150	1145
S-27(16400-20900)	PB-4	37400-67000+8900	39690	8900	48590	24295	18532	23150	1145
S-28 (14300-22400)	PB-4	37400-67000+10000	37400	10000	47400	23700	16159	23700	0
S-29 (18400-22400) SAG	PB-4	37400-67000+10000	44700	10000	54700	27350	20792	23700	3650
S-30 (22400-24500) HAG		67000-79000			67000	33500	25312	33500	0
S-31 (22400-26000) HAG+ Scale		75500-80000			75500	37750	25312	37750	0
S-32(24050-26000) HAG+ Scale		75500-80000			75500	37750	27177	37750	0
S-33 (26000)(fixed) Apex Scale		80000 (Fixed)			80000	40000	29380	40000	0
S-34 (30000) Cab. Sec.		90000 (Fixed)			90000	45000	33900	45000	0

NOTE OF INTERPRETATION: i) With the quashing of DOP OM of 3-10-2008 vide judgement of CAT New Delhi in OA 655-2010, pension fixed as shown in Col 9, has to be re-fixed as mentioned in col. 7 or col. 8 - whichever is higher (based on the accepted recommendations of Sixth CPC. The figures in col. 8 correspond to the minimum pension and will change depending on the salary drawn at the time of retirement & corresponding Basic Pension fixed after Fifth CPC.

ii) The beneficiary effect of the judgement: If the Pension fixed after Sixth CPC, was less than that in Col. 7 it has to be raised to that shown in Col 7 or col. 8 whichever is more. - (Compiled by: N. P. Mohan, Working President RSCWS, Ex-CE, W. Rly.)